IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 14402 of 2007(M)

PETITIONER:

C.P. SUSAN PRAMEELA,
LECTURER IN PHYSICS,CHRISTIAN COLLEGE,
KATTAKADA P.O.,TRIVANDRUM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, GOVT. SECRETRIAT,TRIVANDRUM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION,KOLLAM.

4. THE UNIVERSITY OF KERALA, TRIVANDRUM
REPRESENTED BY ITS REGISTRAR.

5. THE PRINCIPAL, CHRISTIAN COLLEGE,
KATTAKADA P.O.,TRIVANDRUM-695 572.

ADDL. 6.DR. SELIN JOY, MERRYLAND,
NEAR CHRISTIAN COLLEGE JUNCTION,
KATTAKKADA, TRIVANDRUM

(ADDITIONAL 6TH RESPONDENT IMPLEADED AS PER ORDER DATED 10.12.2007 IN I.A. NO.16186 OF 2007)

R1 BY SENIOR GOVERNMENT PLEADER,SMT.M.R.SREELATHA
R4 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC
R5 BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) nO.14402/2007/M

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF RE-APPOINTMENT ORDER DATED 5.1.2000 ISSUED TO THE PETITIONER BY THE MANAGER, CHRISTIAN COLLEGE, KATTAKKADA.

EXT. P2: COPY OF LETTER NO.AC.F.V./7806/2000 DATED 16.5.2000 SENT BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT.

EXT. P3: COPY OF LETTER NO.AC.F.V./7806/2000 DATED 22.6.2000 SENT BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT.

EXT. P4: COPY OF LETTER NO.249/CCK/02 DATED 15.4.02 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.

EXT. P5: COPY OF LETTER NO.AC.F.V./7806/2003 DATED 13.2.2004 SENT OF THE 4TH RESPONDENT TO THE 5TH RESPONDENT.

EXT. P6: COPY OF LETTER NO.D1/9527/04/D.C.EDN. DATED 13.6.05 SENT BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.

EXT. P7: COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR EDUCATION, GOVT. OF KERALA, TRIVANDRUM.

EXT. P8: COPY OF LETTER NO.16769/D1/06/H.EDN. DATED 30.3.07 SENT BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT. P9: COPY OF NOTIFICATION ISSUED BY THE 5TH RESPONDENT IN MALAYALA MANORAMA DAILY DATED 1.8.07.

/TRUE COPY/

P.A. TO JUDGE

JP

S.SIRI JAGAN, J.

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W.P.(C) No.14402 of 2007

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Dated this the 10th day of December, 2007

JUDGMENT

The petitioner is a teacher having approved service for the years 1989-90 and 1990-91. The petitioner was reappointed in the same College as per Ext.P1 under Section 57(6) of the Kerala University Act, 1974. However, the University has declined approval to that appointment as per Exts. P3, P6 and P8 on the ground that there is no sufficient workload for the subject in the college warranting a vacancy to accommodate the petitioner. According to the petitioner, the petitioner's case is squarely covered by Ext.P10 judgment of this Court. The petitioner seeks consideration of the petitioner's case in the light of Ext.P10 judgment. The learned Government Pleader points out that in Ext.P10 judgment respondents 1 to 3 are not parties and therefore views of the 3rd respondent in the matter also has to be considered.

2. In the facts and circumstances of the case, I direct the 4th respondent to consider the case of the petitioner for approval of his appointment as Lecturer in Physics in the Christian College,

Kattakkada, in the light of Ext.P10 judgment as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner, 5th and 6th respondents after ascertaining the views of the 3rd respondent in the matter.

The writ petition is disposed of as above.

Sd/-
S.SIRI JAGAN,
JUDGE

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